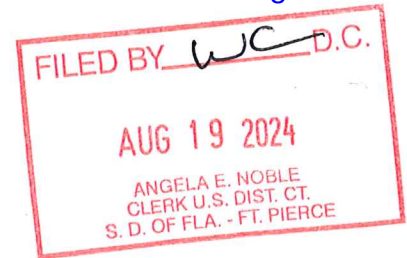


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA



**JEFFREY BUONGIORNO,**

Plaintiff,

v.

**ALEJANDRO MAYORKAS,** et al

Case No. 9:24-cv-80920-AMC

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING**  
**ORDER**

**PLAINTIFF'S MOTION FOR PRELIMINARY**  
**TEMPORARY RESTRAINING ORDER**

Plaintiff Jeffrey Buongiorno, *pro se*, per Fed. R. Civ. P. 65(b), motions this Court for a Preliminary Temporary Restraining Orders against all Defendants.

**Reasons for the Preliminary Temporary Restraining Order**

Per Fed. R. Civ. P. Rule 65 authorizes parties to seek temporary restraining orders (TROs) and preliminary injunctions in civil cases<sup>1</sup>. A party may move for, and in appropriate circumstances, obtain a TRO and/or a preliminary injunction before the merits of the case are resolved<sup>1</sup>. Every order granting an injunction and every restraining order shall set forth the reasons for its issuance, shall be specific in terms, and shall describe in reasonable detail the act or acts sought to be restrained<sup>2</sup>. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restraine.

As the Amended Complaint explains, the relief Plaintiff seeks deals with violations of his First Amendment Rights. The Defendants seek to Plaintiff's access to critical Canvassing Board Meetings and other critical Public Business. Lawsuits after elections have proven to be futile in most cases. If Plaintiff is barred from County Canvassing Board meetings, he will suffer damages as Plaintiff is a candidate in the Nov 5<sup>th</sup>, 2024 Election. Critical election business is discussed and decided on during Canvassing Board Meetings. The Defendants are hamstringing the Plaintiff by intentionally excluding him from such meetings.

## **THE BALANCING TEST**

The U.S. Supreme Court has set a high burden of proof for a plaintiff seeking an Temporary Restraining Order. The Court identified a four-part balancing test in *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008).

### **1. Likelihood of Success on the Merits**

The Amended Complaint has a strong likelihood of succeeding on the merits. Numerous federal and state lawsuits are underway now targeting similar corruption on the federal election process. By no means is Plaintiff out on an island here asking for irrational and unfounded injunctive relief.

In Arizona, the new laws requiring proof of citizenship were challenged, but allowed to stand by the District Court and then the 9<sup>th</sup> Cir. Somehow, a second panel of the 9<sup>th</sup> Cir. reversed that and the matter is now before the Supreme Court (*Republican National Committee v. Mi Familia Vota* No. 24A164).<sup>1</sup> Twenty four State Attorney's General have filed amicus briefs. Notably, the State of Florida's AG, Ashley Moody (a defendant in this instant case) has joined that consortium, which indicates the Florida AG will not challenge this Preliminary Temporary Restraining Order. Also, the defendant in that case, Mi Familia Vota, is a defendant in this instant case as well.

In Alabama, the Secretary of State, Wes Allen, is taking action to remove noncitizens from the registered voter databases.<sup>2</sup> The State of Florida Defendants (Byrd and Moody) have taken no such action yet.

Aside from Plaintiff's own research, the evidence of voter fraud related to noncitizen voters is overwhelming. Numerous independent groups have issued reports about the scale

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<sup>1</sup> <https://www.scotusblog.com/case-files/cases/republican-national-committee-v-mi-familia-vota/>

<sup>2</sup> <https://www.sos.alabama.gov/newsroom/secretary-state-wes-allen-implements-process-remove-noncitizens-registered-vote-alabama>

of the problem. RealClear Investigations consolidated them.<sup>3</sup> A recent video of large numbers of noncitizens lined up early in the morning at a Florida DMV made national news.<sup>4</sup> The Amended Complaint now lists as a defendant the Director of the Florida DMV, Dave Kerner.

## **2. Likelihood of Irreparable Harm**

If swift injunctive relief is not granted, irreparable harm is very likely to occur to the entire nation. The stakes could not be higher.

The evidence of “a real and immediate threat of future injury by the defendant.” (*City of Los Angeles v. Lyons*, 461 U.S. 95, 107 n. 8 (1983)) is *prima facie*. A federal election deciding the presidency and control of congress cannot be determined by noncitizen voters added to the voter registration as part of a treasonous conspiracy to overthrow democracy.

In 2020, the margin of victory for Joe Biden in just a few key states was under 100,000. Now, the number of noncitizen voters poised to rig the 2024 election is in the millions. No amount of popularity among real voters can overcome that fraud. The 2024 election has already been decided if there is no urgent injunctive relief from federal courts.

## **3. Balance of Equities and Hardships**

The balance of both equities and hardships is in favor of Plaintiff. The injunctive relief asks for nothing more than Defendants to do their jobs and to cease and desist in any conspiracies to rig the elections. The equity of the relief will quite literally save The United States of America (and Plaintiff) from a coup.

## **4. Public Interest**

Lastly, Plaintiff can easily show that the injunctive relief is in the public interest. The terms of the relief are targeting election fraud. Honest elections are in the best interest of the

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<sup>3</sup>[https://www.realclearinvestigations.com/articles/2024/08/14/vote\\_integritys\\_nitty-gritty\\_the\\_battle\\_lines\\_of\\_24s\\_epic\\_struggle\\_1051309.html](https://www.realclearinvestigations.com/articles/2024/08/14/vote_integritys_nitty-gritty_the_battle_lines_of_24s_epic_struggle_1051309.html)

<sup>4</sup><https://x.com/davidjharrisjr/status/1819410744355569808>

public. Noncitizens are not allowed to vote and no harm to the public would incur from this Preliminary Temporary Restraining Order.

### **5. First Amendment Violations**

Defendants have refused Plaintiff from attending critical Election Canvassing Board meetings where rules, procedures and ballots are challenged. Defendants have weaponized local law enforcement to perpetuate the scheme of removing the public from such meetings as evidenced in the amended complaint. On June 4<sup>th</sup>, 2024 the Plaintiff was ejected from a County Commissioners meeting by PBSO.<sup>5</sup> On August 9<sup>th</sup>, 2024 Plaintiff was removed from a County Canvassing Board meeting.<sup>6</sup> On August 14<sup>th</sup>, 2024 Plaintiff was denied entry to County Canvassing Board Meeting.<sup>7</sup> Furthermore, Defendant Link has blocked the Plaintiff from her “Official” X account (formerly known as Twitter).

## **TERMS AND RELIEF REQUESTED**

Per Fed. R. Civ. P. 65(d)(1)(B) and (C), the terms of the Temporary Restraining Order and relief that Plaintiff seeks are as follows:

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants that provides the following relief:

- 1) A Temporary Restraining Order prohibiting Defendant from violating Plaintiff’s First Amendment rights by, including but not limited to, using police force to threaten the arrest of citizens at public meetings and/or stifle free speech at public meetings
- 2) A Temporary Restraining Order prohibiting Defendants from Blocking Citizen access to Defendants official Social Media outlets

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<sup>5</sup> <https://rumble.com/v5bfrgt-palm-beach-county-commissioners-meeting-june-4th-dont-say-illegals.html>

<sup>6</sup> <https://rumble.com/v5b75dv-buongiorno-ejected-from-open-palm-beach-county-canvassing.html>

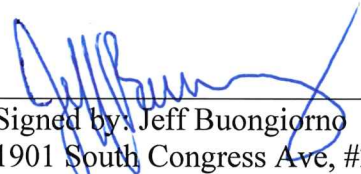
<sup>7</sup> <https://rumble.com/v5b6zsl-pbc-supervisor-of-elections-denied-access-to-public-meeting.html>

3) If Defendants violate this Temporary Restraining Order, they will be fined \$10,000 for each violation, payable by each individual defendant committing the violations of this Temporary Restraining Order, to be paid by the individual and not the County, State, or Federal agency for which they work;

4) Plaintiffs' reasonable costs and expenses of this action, including attorneys' fees; and;

5) All other further relief to which Plaintiff may be entitled.

Respectfully submitted this 19<sup>th</sup> day of August, 2024.



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Signed by: Jeff Buongiorno  
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